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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN GARCIA,

Defendant.

No. 09CR 620 RMW

STIPULATION AND
ORDER CONTINUING HEARING TO
October 31, 2011

The Parties, Richard Pointer and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for October 3, 2011 at 9am be vacated, and that the hearing be re-set for October 31, 2011 at 9am. The parties are requesting the continuance of the hearing for the continuity of counsel in light of the fact that this case will likely be re-assigned to defense attorney Richard Gordon by the CJA panel. Mr. Gordon was recently assigned to represent the defendant in case number 5:11-CR-638-EJD and it is expected that he will also be appointed to represent the defendant with respect to his supervised release violation.

DATED: September 28, 2011

MELINDA HAAG
United States Attorney

/s/

Carolyn A. Sanin
Special Assistant United States Attorney

/s/

Richard Pointer
Attorney for Defendant

~~PROPOSED~~ ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for October 3, 2011 at 9am is vacated, and the matter is continued to October 31, 2011 at 9am.

IT IS SO ORDERED.

DATED: "; 152133



RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE